

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CRIMINAL NO. 2:05MJ217

UNITED STATES OF AMERICA)

)

)

VS.

)

ORDER

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)

KEVIN ROGERS

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)

THIS MATTER is before the Court on the Defendant's second motion to amend judgment to designate the Buncombe County Detention Center as the facility where the Defendant will serve his term of imprisonment imposed by this Court on March 29, 2006.

The Bureau of Prisons, not the Court, designates the appropriate facility to which a defendant serves a sentence. The Court may recommend a specific facility to the BOP; however, such recommendation is not binding on the BOP. Therefore, while the Court will not amend the Judgment to order the Defendant be housed in the Buncombe County facility, a recommendation will be made for the reasons stated in the Defendant's motion.

IT IS, THEREFORE, ORDERED that the Defendant's second motion to amend judgment is hereby **DENIED**. In the alternative,

IT IS HEREBY RECOMMENDED to the Bureau of Prisons that the Defendant serve the sentence imposed herein at the Buncombe County Detention Center in Asheville, North Carolina.

Signed: April 11, 2006

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

